

Notice of Allowability

Application No.

09/915,324

Examiner

Yubin Hung

Applicant(s)

LLOYD-JONES, DANIEL JOHN

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 01/04/2006.
2. ☒ The allowed claim(s) is/are 1, 4, 5, 7-9, 11, 12, 14, 15, 17, 18, 20, 21 and 23 (re-numbered).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGE WU
PRIMARY EXAMINER

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/04/2006 has been entered.

Response to Amendment/Arguments

2. Claims 2, 3, 6, 10, 13, 16, 19 and 22 have been cancelled.
3. In view of Applicant's amendment and cancellation, the 35 USC § 101 rejections of claims 18-22 have been withdrawn.
4. Applicant's amendment has rendered moot the 35 USC § 103 rejections of claims 1, 4, 5, 7-9, 11, 12, 14, 15, 17, 18, 20, 21 and 23.

Allowable Subject Matter

5. Claims 1, 4, 5, 7-9, 11, 12, 14, 15, 17, 18, 20, 21 and 23 are allowed.

6. The following is an examiner's statement of reasons for allowance:

6.1 Regarding claim 1, and similarly claims 12, 17, 18 and 23, closest prior art of record does not disclose, teach or suggest all limitations. Hirai et al. (US 6,526,215) discloses manually selecting images containing a predetermined person and tagging them by creating an icon representing the group [Fig. 9 and Col. 15, lines 11-53]; Kinjo (US Pub. 2002/0046100) discloses determining the presence of earrings on a face to determine its gender [Fig. 2, ref. 120; paragraph 63 on pp. 3-4]; Dimitrova et al. (US 6,754,389) discloses using color segmentation for face detection and tracking [Fig. 3 and Col. 8, lines 15-23]; Burt (US 5,159,647) discloses processing images to facilitate the search of images containing a known person [Fig. 4 and Col. 7, lines 10-24]; and Hunke (US 5,912,980) discloses initial identification of objects belonging to different classes in an input frame and for each class object locating (by color) and tracking it in subsequent frames [abstract, Fig. 1, refs 4 & 6 and Col. 5, line 14-Col. 6, line 13]. However, it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the above-mentioned references in order to select (from a group of images) an image containing a know person, manually designate (from the selected image) an accessory worn by the person and then determine which of the

remaining images contain a segment that has the same color as the designated accessory.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
February 13, 2006



JINGGE WU
PRIMARY EXAMINER